

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :  
Stephen R. Kay :  
Application No. tbd : Group Art Unit: tbd  
Filed: Herewith :  
October 24, 2003 : Examiner: tbd  
For: METHOD AND APPARATUS FOR :  
PHASE-CONTROLLED :  
MUSIC GENERATION :  
: :  
X

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Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION

The undersigned declares that the application attached hereto is a true copy of the patent applications for U.S. Patent Application Serial Nos. 09/966,428 filed September 28, 2001, and 09/616,210, filed July, 14, 2000 and 09/239,488, filed January 28, 1999, as filed, and that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the

application or any patent issuing theron.

Respectfully submitted,



Brian K. Johnson

Reg. No. 46,808

BRIAN K. JOHNSON, ESQ., LLC  
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**DECLARATION FOR PATENT APPLICATION, POWER OF  
ATTORNEY & DESIGNATION OF CORRESPONDENCE ADDRESS**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR PHASE-CONTROLLED MUSIC  
GENERATION**

the specification of which (check one)

X is attached hereto.

— was filed on — as Application Serial No. TO BE DETERMINED

I hereby state that I have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR  
DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §  
119(a)-(d)**

I hereby claim foreign priority benefits under 35 USC §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Filing Date	Yes	No

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
**(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)**  
**UNDER 35 U.S.C. 120**

I hereby claim the benefits under 35 USC §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Appl. No.	Filing Date	Patented, Pending, Abandoned
09/966,428	9/28/01	Pending, issue date pending for 10/28/03 USP 6,639,141

**Power of Attorney:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Brian K. Johnson, Reg. No. 46,808.

**Send Correspondence to:**

Brian K. Johnson  
Brian K. Johnson, Esq. LLC  
P.O. Box 209  
Middletown, New Jersey 07748  
Tel. No. (732) 371-4123

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC §1001 and that such

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor:	Stephen R. Kay	
Inventor's Signature	Stephen R. Kay	Date: 10/24/2003
Residence:	Westfield, New Jersey	
Citizenship:	United States	
Post Office Address:	140 Madison Ave., Westfield, New Jersey 07090	

## DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

ATTORNEY'S DOCKET NO.: MUSIK 3.0-004

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD FOR CREATING A MELODIC REPEATED EFFECT (MELODIC REPEAT), the specification of which

is attached hereto

was filed on 1/28/99 as United States Application Number or PCT International Application Number 09/239,488 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

## PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

LISTING OF FOREIGN APPLICATIONS CONTINUED ON PAGE 3 HEREOF  YES  NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application Number: 60/072,921

Filing Date: 1/28/98

Application Number:

Filing Date:

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application Serial Number:

Parent Filing Date:

Parent Patent No.:

U.S. Parent Application Serial Number:

Parent Filing Date:

Parent Patent No.:

PCT Parent Number:

Parent Filing Date:

LISTING OF US APPLICATIONS CONTINUED ON PAGE 3 HEREOF:  YES  NO

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Lawrence I. Lerner, Reg. No. 19,516; Sidney David, Reg. No. 22,768; Joseph S. Littenberg, Reg. No. 20,832; Arnold H. Krumholz, Reg. No. 25,428; William L. Mentlik, Reg. No. 27,108; John R. Nelson, Reg. No. 26,573; Roy H. Wepner, Reg. No. 28,350; Stephen B. Goldman, Reg. No. 28,512; Paul H. Kochanski, Reg. No. 29,660; Marcus J. Miller, Reg. No. 28,241; Bruce H. Sales, Reg. No. 32,793; Daniel H. Bobis, Reg. No. 16,694; Keith E. Gilman, Reg. No. 32,137; Robert B. Cohen, Reg. No. 32,768; Arnold B. Dompiert, Reg. No. 29,736; Michael H. Taschner, Reg. No. 32,862; Gregory S. Gewirtz, Reg. No. 36,522; Jonathan A. David, Reg. No. 36,494; Shawn P. Foley, Reg. No. 33,071; Thomas M. Palisi, Reg. No. 36,629; John P. Meldjian, Reg. No. 41,967; Kimberly V. Flugger, Reg. No. P-43,612; Jason I. Garber, Reg. No. P-44,116; Renee M. Robeson, Reg. No. 41,777.

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**DECLARATION -- 2**

ATTORNEY DOCKET NO. MUSIK 3.0-004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Stephen Kay

Inventor's signature Stephen Kay Date 2/21/99

Residence: Westfield, NJ Citizenship: US  
Post Office Address: 140 Madison Avenue

Full name of second joint inventor, if any (given name, family name)

Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Full name of third joint inventor, if any (given name, family name):

Third Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Full name of fourth joint inventor, if any (given name, family name):

Fourth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Full name of fifth joint inventor (given name, family name):

Fifth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Full name of sixth joint inventor, if any (given name, family name):

Sixth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Full name of seventh joint inventor, if any (given name, family name):

Seventh Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Full name of eighth joint inventor, if any (given name, family name):

Eighth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Citizenship:  
Post Office Address:

Additional inventors are being named on separately numbered sheets attached hereto.